

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD LOWE,

Plaintiff,

v.

Case Number 08-10269

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

SEETHA VADLAMUDI,
ELIZABETH TATE, RUTH
INGRAM, CORRECTIONAL
MEDICAL SERVS., and PATRICIA
CARUSO,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTIONS FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on October 2, 2008 by Magistrate Judge Majzoub pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendant's motion for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 49] is **ADOPTED**.

It is further **ORDERED** that the defendant Caruso's motion for summary judgment [dkt # 23] are **GRANTED**. Patricia Caruso is dismissed from this case.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 21, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 21, 2008.

s/Felicia M. Moses
FELICIA M. MOSES